

EXHIBIT A

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.,

Defendants.

Case No. 2:20-cv-02600-SHL-cgc

Jury Trial Demanded

AFFIDAVIT OF MARLENE COTA

I, Marlene Cota, declare the following under penalty of perjury:

1. I am over twenty-one (21) years of age, of sound mind, and competent to make this affidavit. I make the following statements based upon my own personal knowledge of the facts stated herein.

2. I was employed by Varsity Spirit, LLC from June 1998 to January 9, 2018. From early 1999 until my termination in 2018, I held the title of "VP of Corporate Alliances". My responsibilities as VP of Corporate Alliances included marketing, sales, contract development, event activation, and promotional plan development for corporate sponsorships; and negotiating, drafting, implementing, and approving contracts on behalf of Varsity with third-party merchandisers and retailers; and negotiating, drafting, implementing, and approving contracts on behalf of Varsity with sponsors of collegiate, high school, and All Star Events, Championships, and Championship Qualifiers.

3. When I was terminated on January 9, 2018, I was not allowed to access my workspace at Varsity or bring anything with me when I left Varsity headquarters that day, except for my purse. Instead, on January 10th, I received a telephone call from Robert Tisdale, a Varsity employee, who instructed me to return that day to receive my personal things. On January 10th, I

returned to Varsity and was not allowed to enter the building. Instead, I stopped my vehicle at the side entrance of the Varsity building at 6745 Lenox Center Court, Memphis, Tennessee, where Robert Tisdale and Ron Shaw, both Varsity employees, were awaiting with four to six boxes, a life-size Jimmy Johnson cardboard cutout (given to me by Gatorade from a corporate sponsorship transaction), and several plastic Halloween skeletons. Mr. Tisdale and Mr. Shaw loaded the foregoing items into my car, and did not discuss with me the contents of the boxes.

4. I do not know who packed the boxes that were placed in my car. The letter sent by my attorney Bryan Meredith accurately describes the documents contained in the boxes, requested by Plaintiff's subpoena. The documents include:

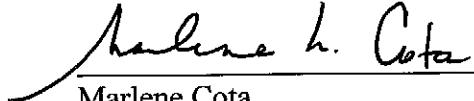
- a. Agreements and other documents describing or referencing my employment compensation, and/or the terms and conditions of my employment with Varsity;
- b. Correspondence between myself and Varsity employees and/or sponsors or other third parties pertaining to sponsorships, competitions, competitors, and other business dealings;
- c. Business development documents disseminated by Varsity to its employees and/or third parties including documents related to acquiring sponsorships and commissions for the acquisition of new sponsorships; and
- d. My personal notes made during my employment with Varsity, some of which are loose leaf and many of which are contained in volumes of notebooks.

It is clear that this was the paperwork I kept in my office at Varsity headquarters. In addition to the foregoing documents, the boxes I received contained approximately six to eight published books, a small clock and small figurines from the television show Walking Dead, approximately

five framed family photographs, a small photo album book, several small rocks and a few other small items of personal memorabilia.

5. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 20th day of January, 2022 in Memphis, Tennessee.


Marlene Cota